

SUPPORT FOR THE AMENDMENTS

Newly added Claims 70-120 are supported by the specification at pages 7-78 and by original Claims 1-12. In Claims 79, 86, 107, and 114, the plant is specified by its family name. The family and genus names are on the plants described in the present specification: soybean (i.e., *Glycine max*), rapeseed (i.e., *Brassica campestris*), cotton (i.e., *Gossypium*), sugar beat (i.e., *Beta vulgaris*), or sugar cane (i.e., *Saccharum officinarum*).

The *Leguminosae* plant represented by soybean is described at page 3, line 3 of the present specification. Therefore, one skilled in the art would appreciate that the plants of families or genera represented by the specifically described plants, respectively, are also useful in the present invention, even though not explicitly described in the specification.

No new matter is believed to have been added to this application by these amendments.

REMARKS

Claims 70-120 are now pending. Favorable reconsideration is respectfully requested.

The present invention relates to an isolated DNA coding for a polypeptide which comprises the amino acid sequence of SEQ ID NO: 1, 2 or 3. See Claim 70. Claims 71-96 depend directly or indirectly from Claim 70.

The present invention also relates to an isolated DNA molecule encoding a polypeptide having an ability to produce raffinose from sucrose and galactinol, wherein the DNA is hybridizable under stringent conditions to a DNA comprising nucleotide numbers 56 to 2407 of SEQ ID NO: 4, the stringent conditions being 1X SSC, 0.1% SDS at 60°C, where the polypeptide has the ability to produce raffinose from sucrose and galactinol has specified properties relating to optimum pH, optimum temperature, molecular weight, and inhibition. See Claim 97. Claims 102-120 depend directly or indirectly from Claim 101.

The rejection of the claims under 35 U.S.C. §112, second paragraph, is respectfully traversed.

Applicants would like to thank Examiner Baum for helpful suggestions regarding amendments to the claims. In amending the claims, the Examiner's suggestions have been incorporated. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §112, first paragraph, is respectfully traversed.

Newly-added Claim 70 relates to an isolated DNA coding for a polypeptide which comprises the amino acid sequence of SEQ ID NO: 1, 2 or 3. The present application describes these sequences. Accordingly, Claim 70 and Claims 71-96, which depend directly or indirectly from Claim 70, certainly satisfy 35 U.S.C. §112, first paragraph. Since the sequences are described in the application and the specification provides a description of how

to make and use those sequences, the claims are enabled and are supported by a written description in the specification.

Claim 101 specifies an isolated DNA in terms of hybridization properties, coding properties (i.e., the DNA codes for a protein having an activity to produce raffinose from sucrose and galactinol), and detailed physiochemical properties of the encoded protein (i.e., optimum pH, optimum temperature, molecular weight, and inhibition properties). The present application provides a detailed description of methods and procedures for producing a DNA within the scope of Claim 101. In fact, a specific sequence is explicitly disclosed. One could even use that disclosed sequence to identify other sequences within the scope of Claim 101 without undue experimentation, since such procedures are well-known in the art. Therefore, Claim 101 and Claims 102-120, which depend directly or indirectly from Claim 101, are enabled and are supported by a written description in the specification.

Based on the foregoing, withdrawal of this ground of rejection is respectfully requested.

The rejection of Claim 36 under 35 U.S.C. §102(b) over Heck et al. is believed to be obviated by the amendment submitted above. Claim 36 has been canceled and Applicants submit that Heck et al. does not anticipate newly-added Claims 70-120. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Regarding the obviousness-type double patenting rejection, Applicants request that this rejection be held in abeyance until an indication of allowable subject matter in the present application. If necessary, a Terminal Disclaimer will be submitted at that time.

Regarding the claim for priority, Applicants note that a certified copy of the Japanese priority application was filed in the parent application. Since the certified copy was filed in the parent application, a certified copy is not required in the present application. Therefore,

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Applicants request an indication that the certified copy is of record in the next communication from the Office.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is respectfully solicited.

Respectfully submitted,

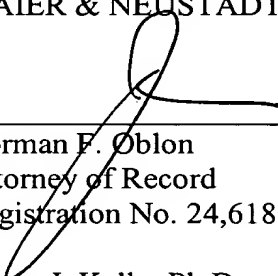
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

NFO/JK/lcd



Norman F. Oblon
Attorney of Record
Registration No. 24,618

James J. Kelly, Ph.D.
Registration No.: 41,504